

Message

From: Beck, Nancy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=168ECB5184AC44DE95A913297F353745-BECK, NANCY]
Sent: 1/30/2019 7:20:48 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]
CC: Dunn, Alexandra [dunn.alexandra@epa.gov]; Ross, David P [ross.davidp@epa.gov]
Subject: RE: TRI criteria

More detail from our team.

INTERNAL DELIBERATIVE:

Background

The addition of PFAS to the TRI chemical list would be a challenging endeavor given the wide range of chemicals of concern and the need to establish lower reporting thresholds to capture relevant releases. First, we would need to be instructed as to which chemicals or categories to add and we would need peer reviewed hazard assessments to support the addition of any PFAS to the TRI list based on their toxicity. Second, in order to lower the reporting thresholds, we need additional peer reviewed fate assessments to provide a basis for the lower thresholds.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

What PFAS to List

Deliberative Process / Ex. 5

Timeframe for Adding PFAS

Generally, developing a rulemaking to add a chemical or chemical category to the TRI list takes about 2 years but the timeframe depends on whether there are readily available hazard assessments to support the listing and whether OMB decides to review the rulemaking. The statutory language for listing chemicals requires at least 19 months from the time a final rule is published until EPA receives any data on the new listing. A chemical added between January 1 and November 30 of any year will have an effective date of January 1 the next year. For example, if a final rule is published by November 30, 2019, the effective date would be January 1, 2020 with the first reports due to EPA July 1, 2021 for the 2020 data.

Nancy B. Beck, Ph.D., DABT
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From: Forsgren, Lee
Sent: Wednesday, January 30, 2019 1:44 PM

To: Beck, Nancy <Beck.Nancy@epa.gov>

Cc: Dunn, Alexandra <dunn.alexandra@epa.gov>; Ross, David P <ross.davidp@epa.gov>

Subject: Re: TRI criteria

Thanks Nancy.

Sent from my iPhone

On Jan 30, 2019, at 1:43 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

Lee,

The criteria for adding something to the TRI set a fairly high bar and additions must be done through a rulemaking process. The criteria are below.

For many of the PFAS we do not have sufficient information on toxicity/hazard to meet the criteria, however there might be a few that could be considered.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Please let me know if there are other questions. I will continue to get more from the program.

To add a chemical to TRI, EPA must demonstrate under EPCRA section 313(d)(2)(A)-(C) that at least one of the following criteria is met:

- The chemical is known to cause or can reasonably be anticipated to cause significant adverse acute human health effects at concentration levels that are reasonably likely to exist beyond facility site boundaries as a result of continuous, or frequently recurring, releases.
- The chemical is known to cause or can reasonably be anticipated to cause in humans: Cancer or teratogenic effects, or serious or irreversible reproductive dysfunctions, neurological disorders, heritable genetic mutations, or other chronic health effects.
- The chemical is known to cause or can be reasonably anticipated to cause, because of its toxicity, its toxicity and persistence in the environment, or its toxicity and tendency to bioaccumulate in the environment, a significant adverse effect on the environment of sufficient seriousness, in the judgment of the Administrator, to warrant reporting under this section.

For many PFAS chemicals, more scientific data are needed for the EPA to determine that the chemical meets one of the above criteria. This is why the work within our Office of Research and Development, in partnership with other EPA offices and complemented by scientific work by other organizations, is so important. The more we learn about these chemicals, the more we can apply tools such as TRI to understand and communicate any potential implications of PFAS release into the environment.

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